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BEFORE THE
BOARD OF VOCATIONAL NURSING
AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Statement of Issues
Against:

Case No. VN-2007-605

SUZANNE LE-SHAY MASON
P.O. Box 114
24897 Long Street
Fall River Mills, CA 96028

Applicant for Vocational Nurse License

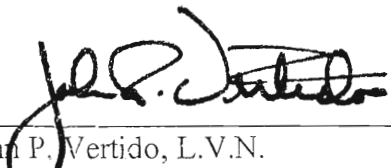
Respondent.

DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Vocational Nursing and Psychiatric Technicians as the final Decision in the above-entitled matter.

This Decision shall become effective on June 11, 2009.

IT IS SO ORDERED this 12th day of May, 2009.



John P. Vertido, L.V.N.
President

ORIGINAL

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EDMUND G. BROWN JR., Attorney General
of the State of California
ARTHUR D. TAGGART
Supervising Deputy Attorney General
JEFFREY M. PHILLIPS, State Bar No. 154990
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Attorneys for Complainant

**BEFORE THE
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Statement of Issues Against:

Case No. VN-2007-605

SUZANNE LE-SHAY MASON, AKA.
SUZANNE LESHAY ELMORE
a.k.a. Suzanne L. Mason
a.k.a. Suzanne Leshay Elmore
P.O. Box 114
24897 Long Street
Fall River Mills, CA 96028

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

Vocational Nurse Applicant

Respondent.

IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
above-entitled proceedings that the following matters are true:

PARTIES

1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) is the Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians. She brought this action solely in her official capacity and is represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California, by Jeffrey M. Phillips, Deputy Attorney General.
2. Respondent Suzanne Le-Shay Mason, aka. Suzanne Leshay Elmore
Suzanne Le-Shay Mason (Respondent) is representing herself in this proceeding and has chosen not to exercise her right to be represented by counsel.

3. On or about August 9, 2007, Respondent filed an application dated May 8, 2007, with the Board of Vocational Nursing and Psychiatric Technicians to obtain a Vocational Nurse License.

JURISDICTION

4. Statement of Issues No. VN-2007-605 was filed before the Board of Vocational Nursing and Psychiatric Technicians (Board) , Department of Consumer Affairs, and is currently pending against Respondent. The Statement of Issues and all other statutorily required documents were properly served on Respondent on September 2, 2008. A copy of Statement of Issues No. VN-2007-605 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Statement of Issues No. VN-2007-605. Respondent has also carefully read, and understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Statement of Issues; the right to be represented by counsel at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Statement of Issues No. VN-2007-605.

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1 9. Respondent agrees that her Vocational Nurse License is subject to denial
2 and she agrees to be bound by the Board of Vocational Nursing and Psychiatric Technicians
3 (Board)'s imposition of discipline as set forth in the Disciplinary Order below.

4 RESERVATION

5 10. The admissions made by Respondent herein are only for the purposes of
6 this proceeding, or any other proceedings in which the Board of Vocational Nursing and
7 Psychiatric Technicians or other professional licensing agency is involved, and shall not be
8 admissible in any other criminal or civil proceeding.

9 CONTINGENCY

10 11. This stipulation shall be subject to approval by the Board of Vocational
11 Nursing and Psychiatric Technicians. Respondent understands and agrees that counsel for
12 Complainant and the staff of the Board of Vocational Nursing and Psychiatric Technicians may
13 communicate directly with the Board regarding this stipulation and settlement, without notice to
14 or participation by Respondent. By signing the stipulation, Respondent understands and agrees
15 that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the
16 Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and
17 Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for
18 this paragraph, it shall be inadmissible in any legal action between the parties, and the Board
19 shall not be disqualified from further action by having considered this matter.

20 12. The parties understand and agree that facsimile copies of this Stipulated
21 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same
22 force and effect as the originals.

23 13. In consideration of the foregoing admissions and stipulations, the parties
24 agree that the Board may, without further notice or formal proceeding, issue and enter the
25 following Disciplinary Order:

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1 nurse. Respondent shall provide information regarding the status of each license and any change
2 in license status during the period of probation. Respondent shall inform the Board if he/she
3 applies for or obtains a new nursing or psychiatric technician license during the period of
4 probation.

5 Respondent shall provide a copy of the Board's decision to the regulatory agency
6 in every state and territory in which he/she has applied for or holds a vocational/practical nurse,
7 psychiatric technician and/or registered nurse license.

8 4. **NOTIFICATION OF ADDRESS AND TELEPHONE NUMBER**
9 **CHANGE(S)**

10 Respondent shall notify the Board, in writing, within five (5) days of any change
11 in address or telephone number(s). Respondent's failure to claim mail sent by the Board may be
12 deemed a violation of these probation conditions.

13 5. **NOTIFICATION OF RESIDENCY OR PRACTICE OUTSIDE OF**
14 **STATE**

15 Respondent shall notify the Board, in writing, within five (5) days, if he/she leaves
16 California to reside or practice in another state. Periods of residency or practice outside of
17 California shall not apply toward a reduction of this probation time period. If respondent resides
18 or practices outside of California, the period of probation shall be automatically extended for the
19 same time period he/she resides or practices outside of California. The respondent shall provide
20 written notice to the Board within five (5) days of any change of residency or practice.

21 Respondent shall notify the Board, in writing, within five (5) days, upon his/her return to
22 California.

23 6. **MEETINGS WITH BOARD REPRESENTATIVE(S)**

24 Respondent shall appear in person at meetings as directed by the Board or its
25 designated representatives.

26 7. **NOTIFICATION TO EMPLOYER(S)**

27 When currently employed or applying for employment in any capacity in any
28 health care profession, respondent shall notify his/her employer of the probationary status of

1 respondent's license. This notification to the respondent's current health care employer shall
2 occur no later than the effective date of the Decision. The respondent shall notify any
3 prospective health care employer of his/her probationary status with the Board prior to accepting
4 such employment. At a minimum, this notification shall be accomplished by providing the
5 employer or prospective employer with a copy of the Board's Accusation and Disciplinary
6 Decision.

7 The Health Care Profession includes, but is not limited to: Licensed Vocational
8 Nurse, Psychiatric Technician, Registered Nurse, Medical Assistant, Paramedic, Emergency
9 Medical Technician, Certified Nursing Assistant, Home Health Aide, and all other ancillary
10 technical health care positions.

11 Respondent shall cause each health care employer to submit to the Board all
12 performance evaluations and any other employment related reports as required by the Board.
13 Respondent shall notify the Board, in writing, of any difficulty in securing employer reports
14 within five (5) days of such an event.

15 Respondent shall notify the Board, in writing, within five (5) days of any change
16 in employment status. Respondent shall notify the Board, in writing, if he/she is terminated or
17 separated, regardless of cause, from any nursing or health care related employment with a full
18 explanation of the circumstances surrounding the termination or separation.

19 **8. EMPLOYMENT REQUIREMENTS AND LIMITATIONS**

20 Respondent shall work in his/her licensed capacity in the state of California. This
21 practice shall consist of no less than six (6) continuous months and of no less than twenty (20)
22 hours per week.

23 Respondent shall not work for a nurses' registry or in any private duty position, a
24 temporary nurse placement agency, as a faculty member in an accredited or approved school of
25 nursing, or as an instructor in a Board approved continuing education course except as approved,
26 in writing, by the Board. Respondent shall work only on a regularly assigned, identified and
27 predetermined work site(s) and shall not work in a float capacity except as approved, in writing,
28 by the Board.

1 9. **SUPERVISION REQUIREMENTS**

2 Before commencing or continuing employment in any health care profession,
3 respondent shall obtain approval from the Board of the supervision provided to the respondent
4 while employed.

5 Respondent shall not function as a charge nurse (i.e., work in any healthcare
6 setting as the person who oversees or directs licensed vocational nurses, psychiatric technicians,
7 certified nursing assistants or unlicensed assistive personnel) or supervising psychiatric
8 technician during the period of probation except as approved, in writing, by the Board.

9 10. **COMPLETION OF EDUCATIONAL COURSE(S)**

10 Respondent, at his or her own expense, shall enroll and successfully complete a
11 course(s) substantially related to the violation(s) no later than the end of the first year of
12 probation.

13 The coursework shall be in addition to that required for license renewal. The
14 Board shall notify the respondent of the course content and number of contact hours required.
15 Within thirty (30) days of the Board's written notification of assigned coursework, respondent
16 shall submit a written plan to comply with this requirement. The Board shall approve such plan
17 prior to enrollment in any course of study.

18 Upon successful completion of the course, respondent shall submit "original"
19 completion certificates to the Board within thirty (30) days of course completion.

20 11. **MAINTENANCE OF VALID LICENSE**

21 Respondent shall, at all times, maintain an active current license with the Board
22 including any period of suspension.

23 If an initial license must be issued (Statement of Issues) or a license is reinstated,
24 probation shall not commence until a license is issued by the Board. Respondent must complete
25 the licensure process within two (2) years from the effective date of the Board's decision.

26 Should respondent's license expire, by operation of law or otherwise, upon
27 renewal or reinstatement, respondent's license shall be subject to any and all conditions of this
28 probation not previously satisfied.

1 12. **LICENSE SURRENDER**

2 During probation, if respondent ceases practicing due to retirement, health
3 reasons, or is otherwise unable to satisfy the conditions of probation, respondent may surrender
4 his/her license to the Board. The Board reserves the right to evaluate respondent's request and to
5 exercise its discretion whether to grant the request without further hearing. Upon formal
6 acceptance of the tendered license, respondent will no longer be subject to the conditions of
7 probation.

8 Surrender of respondent's license shall be considered a disciplinary action and
9 shall become a part of respondent's license history with the Board. A licensee who surrenders
10 his/her license may petition the Board for reinstatement no sooner than the following minimum
11 periods from the effective date of the disciplinary decision for the surrender:

12 Three (3) years for reinstatement of a license surrendered for any reason other
13 than a mental or physical illness; or

14 One (1) year for a license surrendered for a mental or physical illness.

15 13. **VIOLATION OF PROBATION**

16 If respondent violates the conditions of his/her probation, the Board, after giving
17 the respondent notice and an opportunity to be heard, may set aside the stay order and impose the
18 stayed discipline (denial/revocation/suspension) of the respondent's license. If during probation,
19 an accusation or petition to revoke probation has been filed against the respondent's license or
20 the Attorney General's Office has been requested to prepare an accusation or petition to revoke
21 probation against the respondent's license, the probationary period shall automatically be
22 extended and shall not expire until the accusation or petition has been acted upon by the Board.

23 14. **CHEMICAL DEPENDENCY SUPPORT & RECOVERY GROUPS**

24 Within five (5) days of the effective date of the Decision, respondent shall begin
25 attendance at a chemical dependency support group (e.g. Alcoholics Anonymous, Narcotics
26 Anonymous, Nurse Support Group). Verified documentation of attendance shall be submitted by
27 the respondent with each written report as required by the Board. Respondent shall continue
28 attendance in such a group for the duration of probation.

15. **ABSTAIN FROM USE OF ALCOHOL**

Respondent shall completely abstain from the use of alcoholic beverages and products containing alcohol.

16. SUBMIT BIOLOGICAL FLUID SAMPLES

Respondent shall immediately submit to biological fluid testing, at respondent's cost, upon request by the Board or its designee. There will be no confidentiality in test results; positive test results will be immediately reported to the Board and the respondent's current employer.

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1 ACCEPTANCE

2 I have carefully read the Stipulated Settlement and Disciplinary Order. I
3 understand the stipulation and the effect it will have on my Vocational Nurse License. I enter
4 into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently,
5 and agree to be bound by the Decision and Order of the Board of Vocational Nursing and
6 Psychiatric Technicians.

7 DATED: 2/15/09.

8
9 
10 SUZANNE LE-SHAY MASON, AKA. SUZANNE
11 LESHAY ELMORE (Respondent)
Respondent

12 ENDORSEMENT

13 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
14 submitted for consideration by the Board of Vocational Nursing and Psychiatric Technicians of
15 the Department of Consumer Affairs.

16 DATED: 3/5/09

17 EDMUND G. BROWN JR., Attorney General
18 of the State of California

19 ARTHUR D. TAGGART
Supervising Deputy Attorney General


20
21 
22 JEFFREY W. PHILLIPS
23 Deputy Attorney General
24 Attorneys for Complainant

Exhibit A

Statement of Issues No. VN-2007-605

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
3 JEFFREY M. PHILLIPS, State Bar No. 154990
Deputy Attorney General
4 California Department of Justice
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 324-6292
Facsimile: (916) 327-8643
7

8 Attorneys for Complainant

9
10 **BEFORE THE**
DEPARTMENT OF CONSUMER AFFAIRS
BUREAU OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
11 **STATE OF CALIFORNIA**

12 In the Matter of the Statement of Issues Against:

Case No. VN 2007-605

13 **SUZANNE LE-SHAY MASON, aka**
14 **SUZANNE L. MASON, aka**
SUZANNE LESHAY ELMORE
Post Office Box 114
15 24897 Long Street
Fall River Mills, California 96028
16

STATEMENT OF ISSUES

17 Applicant/Respondent.

18 Teresa Bello-Jones, J.D., M.S.N., R.N. ("Complainant") alleges:

19 **PARTIES**

20 1. Complainant brings this Statement of Issues solely in her official capacity
21 as the Executive Officer of the Bureau of Vocational Nursing and Psychiatric Technicians
22 ("Bureau"), Department of Consumer Affairs.

23 **Application History**

24 2. On or about August 9, 2007, the Bureau received an Application for
25 Vocational Nurse License from Suzanne Le-Shay Mason, also known as Suzanne L. Mason and
26 Suzanne LeShay Elmore ("Respondent"). On or about May 8, 2007, Respondent certified under
27 penalty of perjury to the truthfulness of all statements, answers, and representations in the
28 application. The Bureau denied the application on January 22, 2008.

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3. Section 2866 of the Business and Professions Code (“Code”) provides, in

4. Pursuant to Business and Professions Code sections 101.1(b) and 150, 008, the Department of Consumer Affairs (Department) has succeeded to and is all the duties, powers, purposes, responsibilities, and jurisdiction of the Board and its officer, and, accordingly, any reference to the inoperative or repealed Board in this act and any rules, regulations, or orders of the Board shall be construed to refer to the Director of Consumer Affairs, who has

(a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

(3) Done any act which if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.

6. Code section 2878 states, in pertinent part:

(a) Unprofessional conduct, . . .

7. Code section 2878.5 states, in pertinent part:

In addition to other acts constituting unprofessional conduct within

1 the meaning of this chapter [the Vocational Nursing Practice Act] it is
2 unprofessional conduct for a person licensed under this chapter to do any
of the following:

3 (b) Use any controlled substance as defined in Division
4 10 of the Health and Safety Code, or any dangerous drug as
5 defined in Article 8 (commencing with Section 4210) of Chapter 9
6 of Division 2 of this code, or alcoholic beverages, to an extent or
7 in a manner dangerous or injurious to himself or herself, any other
person, or the public, or to the extent that such use impairs his or
her ability to conduct with safety to the public the practice
authorized by his or her license.

8 (c) Be convicted of a criminal offense involving
9 possession of any narcotic or dangerous drug, or the prescription,
consumption, or self-administration of any of the substances
described in subdivisions (a) and (b) of this section, in which event
10 the record of the conviction is conclusive evidence thereof.

11 **FIRST CAUSE FOR DENIAL OF APPLICATION**

12 **(Criminal Convictions)**

13 8. Respondent's application is subject to denial under Code sections 2866
14 and 480, subdivision (a)(1), in that Respondent has been convicted of crimes substantially
15 related to the qualifications, functions or duties of a vocational nurse, as follows:

16 a. On or about December 14, 2001, in the Superior Court of California,
17 County of Shasta, in the case entitled, *People of the State of California v. Suzanne LeShay*
18 *Elmore* (Super. Ct. Shasta County, 2001, Case No. MCRDCRM 010002104), Respondent was
19 convicted on her plea of guilty of violating Penal Code section 476A, subdivision (a) (Non-
20 Sufficient Funds), a misdemeanor.

21 b. On or about November 14, 2003, in the Superior Court of California,
22 County of Shasta, in the case entitled, *People of the State of California v. Suzanne L. Mason*
23 (Super. Ct. Shasta County, 2003, Case No. MCBRCRTR 030008398), Respondent was
24 convicted on her plea of guilty of violating Vehicle Code section 23152, subdivision (b) (Driving
25 While Having a .08% or Higher Blood Alcohol Content), a misdemeanor

26 c. On or about December 13, 2006, in the Superior Court of California,
27 County of Shasta, in the case entitled, *People of the State of California v. Suzanne LeShay*
28 *Mason* (Super. Ct. Shasta County, 2006, Case No. MC BR CRTR060010402), Respondent was

1 convicted on her plea of nolo contendere of violating Vehicle Code section 23152, subdivision
2 (b) (Driving While Having a .08% or Higher Blood Alcohol Content with Enhancement B.A.C.
3 .20%), a misdemeanor.

4
5 **SECOND CAUSE FOR DENIAL OF APPLICATION**

6 **(Done Any Acts if Committed by a Licentiate)**

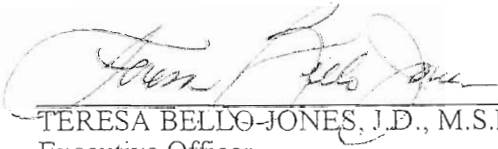
7 9. Respondent's application is subject to denial under Code sections 2866
8 and 480, subdivision (a)(3), in that Respondent committed acts, which if done by a licentiate,
9 would be grounds for suspension or revocation of a license, pursuant to Code section 2878,
10 subdivision (f), as set forth in paragraph 7, and Code section 2878.5, as set forth in
11 paragraph 7, subdivisions (b) and (c), above.

12 **PRAYER**

13 WHEREFORE, Complainant requests that a hearing be held on the matters herein
14 alleged, and that following the hearing, the Director of Consumer Affairs issue a decision:

- 15 1. Denying the application of Suzanne Le-Shay Mason, also known as
16 Suzanne L. Mason and Suzanne LeShay Elmore, for a vocational nurse license; and,
17 2. Taking such other and further action as deemed necessary and proper.

18
19 DATED: August 28, 2008

20
21 
22 TERESA BELLO-JONES, J.D., M.S.N., R.N.
23 Executive Officer
24 Bureau of Vocational Nursing and Psychiatric Technicians
25 Department of Consumer Affairs
26 State of California
27 Complainant
28

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